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**Attorneys for Defendants:**  
**Courtney Lobao and Cowan Systems, LLC**

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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

|                          |   |                     |
|--------------------------|---|---------------------|
| KIERA LYNN CAPIE and     | : |                     |
| LUKE CAPIE, her husband, | : | CIVIL ACTION - LAW  |
| Plaintiffs               | : |                     |
|                          | : | NO.:                |
| v.                       | : |                     |
|                          | : |                     |
| COURTNEY LOBAO and       | : |                     |
| COWAN SYSTEMS, LLC       | : | JURY TRIAL DEMANDED |
| Defendants               | : |                     |

**DEFENDANTS' NOTICE OF REMOVAL**

AND NOW, come Defendants, Courtney Lobao ("Lobao") and Cowan Systems, LLC, ("Cowan") (collectively "Defendants") by and through their counsel, Stephen E. Geduldig, Esquire, Megan C. Zei, Esquire and Pion, Nerone, Girman, Winslow & Smith, P.C., hereby REMOVE the above-captioned lawsuit pursuant to 28 Pa. C.S. § 1441, *et seq.* from the Court of Common Pleas of Luzerne County, Pennsylvania, where it has been assigned docket number 2021-04269, to the United

States District Court for the Middle District of Pennsylvania, and in support of same aver as follows:

**Removal is Timely**

1. On April 22, 2021, Plaintiffs filed a Complaint in the Court of Common Pleas of Luzerne County, Pennsylvania at docket number 2021-04269. A true and correct copy of Plaintiffs' Complaint is attached hereto as **Exhibit "A."**

2. According to the Complaint, the accident that forms the basis of Plaintiffs' Complaint occurred on Oak Street, in Pittston Township, Luzerne County, Pennsylvania, which is located in the Middle District. Id. at ¶ 7.

3. Undersigned counsel received a copy of Plaintiffs' Complaint on May 3, 2021.

4. Undersigned counsel has not accepted service on behalf of Defendants.

5. The status of service of Plaintiffs' Complaint is unknown to undersigned counsel at this juncture.

6. Thus, removal is being made within the time permitted by 28 U.S.C. § 1446(b)(2)(B), as removal is being filed within thirty (30) days of filing of Plaintiffs' Complaint, which was only filed on April 22, 2021.

**Diversity of Citizenship Exists Under 28 U.S.C. § 1332**

7. Upon information and belief, and according to the Complaint, Plaintiffs are residents of and domiciled in the Commonwealth of Pennsylvania. See Ex. A, at ¶ 1.

8. Lobao is a resident of and domiciled in the State of New Hampshire. Id. at ¶ 2.

9. Cowan is a business entity with a principal place of business and organized under the laws of the State of Maryland. Id. at ¶ 3.

10. Therefore, complete diversity exists between the parties.

11. Plaintiff, Kiera Lynn Capie, alleges that Defendants caused her severe and permanent injuries, including an L4-L5 disc herniation; lumbar radiculopathy; post-concussion syndrome; headaches; and anxiety. Id. at ¶ 9.

12. Plaintiff further alleges that Defendants caused an impairment of her earning capacity and power. Id. at 14.

13. Moreover, Plaintiff, Luke Capie, is seeking to recover consortium-related damages.

14. Plaintiffs demand judgment against Defendants in a sum in excess of the jurisdictional limits for compulsory arbitration (\$50,000). See Ex. A.

15. If all of Defendants' defenses fail, and if Plaintiffs prove all of their damages, the damages would exceed \$75,000, exclusive of interest and costs.

16. Therefore, the amount in controversy in the state court action, exclusive of interests and costs, exceeds \$75,000.00.

**Diversity Jurisdiction is Satisfied**

17. Based on the above, this Honorable Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332 in that Plaintiffs' Complaint presents a case where the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and is between citizens of different states.

18. Upon confirmation of filing and docketing with Notice of Removal has been given to all parties as well as to the Court of Common Pleas of Luzerne County, Pennsylvania pursuant to 28 U.S.C. § 1446(d).

19. As of May 5, 2021, the only pleadings filed in the Luzerne County Court of Common Pleas are Plaintiffs' Complaint and Entry of Appearance of Defendants' counsel. A true and correct copy of the docket is attached hereto as **Exhibit "B."**

20. The current action pending in the Court of Common Pleas of Luzerne County, Pennsylvania is within the jurisdiction of the United States District Court for the Middle District of Pennsylvania, and, for the reasons stated above, removal of this action to the Middle District of Pennsylvania is just and proper under the law.

21. In filing this Notice of Removal, Defendants do not waive any affirmative defenses they may assert in this within action, nor should any statements in this Notice be construed as admissions to the allegations in Plaintiffs' Complaint.

WHEREFORE, Defendants, Courtney Lobao and Cowan Systems, LLC, respectfully request that this case be removed from the Court of Common Pleas of Luzerne County, Pennsylvania to the United States District Court for the Middle District of Pennsylvania.

Respectfully submitted,

**PION, NERONE, GIRMAN,  
WINSLOW & SMITH, P.C.**



Date: May 6, 2021

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STEPHEN E. GEDULDIG, ESQUIRE  
Attorney I.D. No. 43530  
MEGAN C. ZEI, ESQUIRE  
Attorney I.D. No. 309536

**Attorneys for Defendants**

**CERTIFICATE OF SERVICE**

I, Megan C. Zei, Esquire, of the law firm of Pion, Nerone, Girman, Winslow & Smith, P.C., counsel for the Defendants, hereby state that a true and correct copy of the foregoing *Notice of Removal* was served upon all parties via electronic case filing, on this date as follows:

Jamie Joseph Anzalone, Esquire  
Kelly M. Ciravolo, Esquire  
Anzalone Law Offices  
98 South Franklin Street  
Wilkes-Barre, PA 18701  
**Attorneys for Plaintiffs**

**PION, NERONE, GIRMAN,  
WINSLOW & SMITH, P.C.**



Date: May 6, 2021

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MEGAN C. ZEI, ESQUIRE